

MARTIN J. WALSH, Secretary of
Labor, United States Department of Labor,

Plaintiff,

v.

**DAYEMI ORGANIZATION, INC. d/b/a
LONGBRANCH CAFÉ AND BAKERY, an
Illinois corporation, and ELAINE RAMSEYER
GREENBERG, an individual,**

Defendants.

Civil action no.: 3:21-cv-00056-SMY

CJRA Track: B

Presumptive Trial Month: March 2022

Judge Staci M. Yandle

I, **Gov't Informant** based on personal knowledge, state the following:

1. I am [REDACTED] years old and reside in [REDACTED]. I worked [REDACTED] time at Longbranch Café located at 100 E. Jackson Street, in Carbondale, Illinois, from approximately [REDACTED].
2. I worked as a server for Longbranch Café during the entire time I was employed there.
3. Prior to working at Longbranch Café, I worked as a server in other establishments for more than [REDACTED] years and encountered a variety of different tipping policies. In my [REDACTED] years as a server, only once have I previously encountered a situation in which I was required to tip out the back-of-the-house employees, and that situation was resolved once management was made aware of the issue.
4. Elaine Ramseyer Greenberg was the General Manager for Longbranch Café while I was employed there. She hired me and set my rate of pay. She and the Barista Manager, Wil Davis, directed my work and scheduled my hours. I was trained by a server named Raine

Fox.

5. I was paid an hourly wage of \$5 by Longbranch Café and received a check every other week. I also earned tips, which I had to put into a tip pool.
6. Servers and baristas were required to put all cash and credit card tips they received from customers into a tip pool. To the best of my recollection, the tips were distributed as follows: 5% to the dishwashers, 5% to the cooks, and the remaining 90% split between the servers and baristas. On busy days, the 10% that went to the back-of-the-house employees would add up to a lot of money.
7. Throughout my employment, a written copy of the tip pool policy was kept in the “Front of the House” or “FOH” binder of operating procedures for servers and baristas. As part of my initial training, I had to review the written tip pool policy in the FOH binder. The FOH binder continued to contain that same policy until at least Gov't Informant. The written tip pool policy in the FOH binder accurately reflected how the tip pool worked for servers, baristas, dishwashers, and cooks. A photo of a true and correct copy of that written tip pool policy is attached hereto as Exhibit 7.
8. In addition to the written documentation of the tip pool policy, the tip pool rules were explained to me when I started by Wil, Elaine, and Raine.
9. I always believed participation in the tip pool was mandatory, and the other servers and baristas I worked with did as well.
10. Gov't Informant
Gov't Informant
Gov't Informant told him it is against the law to make us share the tip pool money with the dishwashers and cooks, Gov't Informant

Exhibit 6

Gov't Informant

Gov't Informant

11. Gov't Informant occasionally voice Gov't Informant that the tip pool was against the law

Gov't Informant

, including to Elaine and Raine. There were times that a dishwasher would not be scheduled or would not do all the dishes, so servers had to do the dishes but we still had to tip out the dishwasher. Gov't Informant spats with dishwashers about this issue. When this would happen, Elaine would Gov't Informant

12. Gov't Informant

13. Gov't Informant

14. Gov't Informant

15. Gov't Informant

Exhibit 6

Gov't Informant

16. Gov't Informant

17. I was aware that other servers and baristas were unhappy with tip pool arrangement. We complained about the tip pool amongst ourselves. I believe that former employees of the Café Gov't Informant complained about the Café's policies on social media.

18. I have witnessed baristas having to pay their own money into their cash drawers, which were accessible to others, to balance the drawer at the end of a shift.

19. Longbranch Café did not keep a record of the amount of tips each servers and baristas received.

20. Gov't Informant

Exhibit 6

Gov't Informant

21. Gov't Informant

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: November ___, 2021

Signed:

Gov't Informant